

Appl. No.: 10/034,818

Filed: 12/27/2001

Page 5

**REMARKS/ARGUMENTS**

Favorable reconsideration by the Examiner is respectfully requested in light of the above amendments and the accompanying remarks.

Claims 1, 4-5 and 7-10 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner considers the term "very small nominal tension or almost without any tension" as being indefinite. As was pointed out in the previous response, the meaning of this expression is given in the specification at page 7, line 33 to page 8, line 7. It should be evident from this description that this corresponds to a winding operation under the lowest possible tension, it being understood that some very low or almost null residual stress cannot be avoided due, for example, to the weight of the stands. Moreover, Applicant notes that this same expression was accepted by the U.S. Patent and Trademark Office in Claims 1, 2, 5 and 7 of the parent application, U.S. Patent No. 6,497,832. In view of this explanation, Applicant submits that the expression is definite and the rejection under 35 U.S.C. § 112 should be withdrawn.

Claims 2-3, 6 and 11-12 have been rejected under 35 U.S.C. § 103 as being unpatentable over DE 4038465. Independent Claims 2 and 6 clearly recite that the power transmission striated belt is suitable for automotive applications. The belt according to this German reference is not specified as being suitable for automotive applications. It is of a type that is used, instead, for domestic appliances, such as washing machines.

The advantages of an automotive belt according to the present invention are illustrated in Figures 4A and 4B and described at page 10, line 33 to page 12, line 4 of the specification. An automobile motor has an acyclic property which is about 6%-7% for a 4-cylinder gasoline engine, but may be up to about 20%-25% for a diesel engine. Curve M of Figures 4A and 4B shows the acyclic rotation speed of a diesel engine at idle speed. Because of this acyclism, a conventional belt has a repetitive anomaly 40 (curve A of Figure 4A), which is eliminated by a belt according to the present invention (curve A of Figure 4B). The belt of the present invention has the remarkable property of filtering the high order harmonic components of the speed signal of a receiving device 14, such as an alternator, which means a longer service life for the belt.

The reference relied upon by the Examiner does not teach or suggest a belt having the stress elongation relationship as defined in Claim 2, namely an average slope ranging from 12 to 20 daN/percent of elongation per width centimeter and per strand. Contrary to the assertion of

Appl. No.: 10/034,818  
Filed: 12/27/2001  
Page 6

the Examiner, nothing in the reference itself would lead one of ordinary skill in the art to produce a structure with this particular relationship. This is especially evident since the belt of the German reference is not for automotive applications and does not encounter the repetitive anomaly discussed above.

Independent Claim 6 stands rejected as obvious over this same German patent document. This reference does not teach or suggest the belt having a stable operating temperature of from 14 to 20 daN/width cm/strand as set forth in Claim 6. Indeed, there appears to be a misunderstanding in the Examiner's rejection. What is referred to in this Claim is the stable operating tension of the belt and not the slope of the stress elongation diagram. This is a property of the claimed belt, which is a snap-on belt capable of maintaining a stable operating tension. This is explained at page 9, lines 1-6 of the description, and is neither taught nor suggested in the reference.

For the reasons noted, the claims as presented clearly distinguish over the cited prior art. Reconsideration by the Examiner and withdrawal of the prior art rejection are respectfully solicited.

The Examiner has also entered an obviousness-type double patenting rejection with respect to Claims 1-12 over Claims 1-10 of U.S. Patent No. 6,497,832. Claims 2-3 are also rejected under the obviousness-type double patenting doctrine over Claims 1-8 of U.S. Patent No. 6,033,331. Enclosed herewith is a terminal disclaimer with respect to these two patents. Accordingly, the double patenting rejection should be withdrawn.

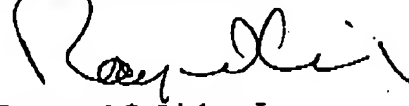
For the reasons noted, Applicants submit that this application is in condition for immediate allowance. Favorable reconsideration by the Examiner and formal notification to this effect are respectfully solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl. No.: 10/034,818  
Filed: 12/27/2001  
Page 7

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit  
Account No. 16-0605.

Respectfully submitted,

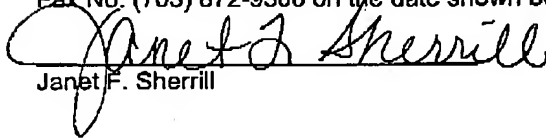


Raymond O. Linker, Jr.  
Registration No. 26,419

Customer No. 00826  
ALSTON & BIRD LLP  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111  
CLT01/4635833v1

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U. S. Patent and Trademark Office at  
Fax No. (703) 872-9306 on the date shown below.

  
Janet F. Sherrill

March 9, 2004  
Date